

REMARKS/ARGUMENTS

Claims 19-31 are pending. New Claims 19-31 find support in the original claims and the specification as follows: Claim 19 (page 6, lines 19-24), Claims 20-22 (page 32, lines 14-15, Claims 1-4), Claims 23-26 (page 7, lines 8-12), Claims 27-28 (page 21, line 16-page 22), Claim 29 (page 21, lines 16-*et seq.*), Claim 30 (page 20, line 6-*et seq.*) and Claim 31 (page 23, lines 2-12). Accordingly, the Applicants do not believe that any new matter has been introduced.

The Applicants thank Examiner Saidha for the courteous and helpful discussion of August 31, 2004. Limitations which would help address the description, indefiniteness and prior art rejections were discussed. The Applicants pointed out support for specific hybridization conditions on page 6 of the specification.

Restriction/Election

The Applicants confirm their election with traverse of Group I, Claims 1-3, drawn to a polypeptide of SEQ ID NO.: 30. The Applicants respectfully request that method claims which depend from or which include all the limitations of an allowable product claim be rejoined upon indication of allowability for the product claim.

Rejection - 35 U.S.C. § 112, First Paragraph

Claim 3 was rejected under 35 U.S.C. § 112, first paragraph, as not being adequately enabled for its full scope. This rejection is moot in view of the cancellation of Claim 3. It would not apply to new independent Claim 19, which is directed to polypeptides identified both structurally (by reference to stringent hybridization conditions) and functionally by reference to phospholipase A2 activity.

Rejection – 35 U.S.C. § 112, Second Paragraph

Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. These rejections are moot in view of the cancellation of these claims.

Rejection - 35 U.S.C. § 101

Claims 1-3 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is moot in view of the cancellation of these claims. It would not apply to new independent Claim 19, which is directed to an isolated polypeptide.

Rejection - 35 U.S.C. § 102

Claim 3 was rejected under 35 U.S.C. § 102(b) as being anticipated by any one of the following references: (1) Accession No. S17860, (2) U.S. Patent No. 5,656,602, (3) Accession No. AAR10126, (4) Accession No. AAR63055, (5) Accession No. U95301, or (6) Cupillard et al., J. Biol. Chem. 272 (25): 15745. This rejection is moot in view of the cancellation of Claim 3. The Applicants submit that this rejection would not apply to the new claims which contain distinguishing structural and functional limitations absent from Claim 3.

CONCLUSION

In view of the following amendments and remarks the Applicants respectfully submit this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

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Norman F. Oblon

A handwritten signature in black ink, appearing to read 'Thomas M. Cunningham', written over a horizontal line.

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